

United States District Court  
Eastern District of Wisconsin

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED

'09 APR 17 P1:42

JON W. SANFILIPPO  
CLERK

No.

**09-C-0397**

(Supplied by Clerk)

BEVERLY T. KINDSCHUH

515 E JOHNSON ST.

FOND DU LAC WI.

54935

(Full Name of Plaintiff or Plaintiffs)

vs

CURRY FIRST

158 N. BROADWAY

SUITE 600

MILWAUKEE WI 53202

(Full Name of Defendant or Defendants)

COMPLAINT

ATTORNEY MALPRACTICE

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court relating to the same occurrence involved in this action?  
☒ YES ☐ NO
- B. Have you begun other lawsuits in state or federal court?  
☒ YES ☐ NO
- C. If your answer to A or B was YES, provide the requested information below. If there is more than one lawsuit, describe each additional one on a separate sheet of paper, using the same outline.

1. Parties to the previous lawsuit

Plaintiff(s) BEVERLY T. KINDSCHUH

Defendant(s) CITY OF FOND DU LAC > CIVIL RIGHTS COMPLAINT  
CURRY FIRST # 09-C-0214

2. Court in which lawsuit brought (if federal court, name district: if state court, name the county)

3. Docket number 09-C-0214
4. Current status (for example: Was the case dismissed? Was it appealed? Is it still pending)? STILL PENDING
5. Approximate date of filing lawsuit 2-27-09
6. Approximate date of disposition \_\_\_\_\_

## II. PARTIES

A. Your name (PLAINTIFF) BEVERLY T. KINDSCHUH

B. Your Address SIS E JOHNSON ST. FOND DU LAC WI 54935

(If there is more than one plaintiff, use the margin for extra space if you need it. List the address only if it is different from the address listed above).

C. DEFENDANT (name) CITY OF FOND DU LAC - BEN MERCER - TOM  
AHRENS - RANDY PAUTCH - JACKIE BRAATZ

D. Defendants address 160 S. MARY FOND DU LAC WI 54935

E. Additional DEFENDANTS (names and addresses) \_\_\_\_\_  
CURRY FIRST 158 N. BROADWAY SUITE 600  
MILWAUKEE WI 53202

## III. STATEMENT OF CLAIM (follow instructions carefully)

State briefly as possible the *essential facts* of your case. Tell what each defendant did to you that caused you to file this suit against them. If you are complaining about more than one wrong, use a separate **numbered** paragraph for each wrong, and describe each wrong in that paragraph and only that paragraph. State only the facts. *Do not give any legal theories or arguments, do not cite any cases or statutes. Do not feel you have to use all the space.* USE NO MORE THAN THE SPACE PROVIDED. THE COURT STRONGLY DISAPPROVES OF STATING CLAIMS OUTSIDE THE SPACE PROVIDED.

Begin statement of claim: ATTORNEY MALPRACTICE - CURRY FIRST  
REPRESENTATION FOR me 2001 - COST ME money - LOTS OF  
IT. NEGOTIATED SETTLEMENT INCLUDING MY DISMISSAL FROM  
EMPLOYMENT.  
HAD HE TOLD ME THE FACTS OF THE CASE I WOULD  
NOT HAVE ENTERED INTO THE CONTRACT - MISREPRESENTATION  
OMITTED FACTS - COULD NOT GET UNEMPLOYMENT BENEFIT  
MONEY LOSS FROM MY PORTION INTO RETIREMENT PLAN  
WITH EMPLOYER MATCH. APPROX 15 YEARS WORK REMAINING  
DISABILITY BENEFIT AVAILABLE I WAS ELIGIBLE FOR - I  
EVEN ASKED HIM FOR INFO ON WRS. HE DISMISSED IT.  
DISCOVERY 2005 BENEFIT LOSS  
APPEAL 2006. ADMISSION FROM CITY STAFF DIDN'T HAVE <sup>TO</sup> TELL  
CURRY FIRST TOLD ME I COULD RECOVER MONEY LOSS  
THROUGH WORKERS COMP LEADING ME TO SIGN CONTRACT.  
HAD I KNOWN THE TRUTH I WOULD NOT HAVE ENTERED  
INTO THE CONTRACT  
WORKER COMP DOES NOT COVER MONEY LOSS ONLY  
SMALL <sup>SOME</sup> MEDICAL EXPENSE. 4 YRS WAITING  
FOR WORKERS COMP HEARING. MUCH FRUSTRATION +  
IS DRAINING EMOTIONALLY WHEN I'M STILL SICK.

STATEMENT OF CLAIM CONTINUED

WC SENDING ME ALL OVER THE COUNTRYSIDE  
SEEING DOCTORS WHO DO NOT TREAT my  
ILLNESS. WASTE OF my ENERGY + HEALTH.  
COURT COSTS- EMOTIONAL IMPACT OF HAVING  
TO FIGHT ALL OF THIS WHEN I AM SICK.  
ILLNESS AND DISABILITY ARE DRAINING- MONEY  
LOSS DEVASTATING. CAN'T FIND STATUTE ON  
MALPRACTICE- ASK TO TALK STATUTE BECAUSE OF  
DISABILITY.

WORKERS COMP WANTS TO ASSIGN ONE DAY  
OF INJURY ONLY- THERE WAS ONGOING INJURY-  
CURRY FIRST- ALYSON ZIERDT- CITY OF FOND DU LAC  
TOOK ADVANTAGE OF my ILLNESS + DURESS  
SITUATION TO ENTER INTO A CONTRACT  
WITHOUT ACCURATE INFORMATION FROM  
CURRY FIRST. DISABILITY DISCRIMINATION.  
CURRY FIRST TOOK ON NEGOTIATIONS FOR  
my DISMISSAL FROM my EMPLOYMENT AT  
REQUEST OF ALYSON ZIERDT AFTER I HAD TOLD  
HER TO DEAL WITH ME.

V. RELIEF YOU REQUEST

State exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. DO NOT USE THIS SPACE TO STATE THE FACTS OF YOUR CLAIM. USE IT ONLY TO REQUEST REMEDIES FOR THE INJURIES YOU COMPLAIN ABOUT. Use only the space provided. The court strongly disapproves of requesting remedies outside the space provided.

Recoup my LOST money FROM giving  
UP my job + DISABILITY benefit.

Employer HR DIRECTOR BEN MERCER (CITY OF  
FOND DU LAC) KNEW I WAS SICK - WITHHELD  
benefITS.

CURRY FIRST WAS MORE SUPPORTIVE OF  
OPPOSITE SIDE THAN he WAS OF ME. He  
DID NOT check OUT benefits FOR ME NOR  
WOULD he ASK THEM. He TOLD ME I WAS PROTECTED  
By LAWS.

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 16<sup>th</sup> day of April, 2009

Bruce T. Kisich

(Signature of Plaintiff(s))